

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 588 OF 2016

Ashish Santosh Yadav & Anr. ... Applicants
Vs
The State of Maharashtra & Ors. ... Respondents

**WITH
CRIMINAL APPLICATION NO. 589 OF 2016**

Ricky Vincent Lobo & Anr. ... Applicants
Vs
The State of Maharashtra & Ors. ... Respondents

...

Mr. Prashant Aher for the applicant in Cri. Appln. 588/16 and for the Respondent No. 2 in Cri. Appln. No. 589/2016.

Mr. Yogesh Tripathi i/b. Jayswal Jagdanba Omprakash for the Applicant in Cri. Appln. No. 589 of 2016 & for the Respondent No. 2 in Cri. Appln. No. 588 of 2016

Dr. F. R. Shaikh APP for the Respondent No.1 in both the criminal applications.

**CORAM : A. S. OKA & A. A. SAYED, JJ.
DATE : 21 JUNE, 2016.**

P.C. :

1 Rule. Learned APP waives service for the respondent Nos. 1 and 3 in both the applications. The learned counsel appearing for 2nd Respondent in both the applications waives service. Forthwith taken up for final disposal.

2 The prayer in both these applications is for quashing the first information reports. In Criminal Application No. 589 of 2016, the prayer is for quashing CR No. 517/2015, registered with Juhu Police Station Bombay for offences under section 324, 323, 504 read with Section 34 of the Indian Penal Code. In Criminal Application No. 588/2016, the prayer is for quashing C. R. No. 518 of 2015 for the offences punishable under Section 326, 504 and read with section 34 of the Indian Penal Code registered with the same police stations.

3 Both the First Information reports are in the nature of cross complaints based on the same incident of 23rd November 2015. In both the cases, the first informants have filed affidavits recording complete settlement of their dispute with rival parties.

4 We have perused the medical certificates of the injured persons in both the cases. After having perused the affidavits on record and the injury certificates, we find that in case of C. R. No. 518 of 2015, no case of commission of an offence punishable under section 326 of the Indian Penal Code is made out. It appears that the

incident arose out of a quarrel between two groups of individuals. In view of peculiar facts, it cannot be said that the offences alleged are offences against the society at large. The offences are of private nature. In our view, the law laid down by the Apex Court in the case of GYANSINGH V/s. STATE OF PUNJAB¹ squarely applies to the facts of the present case

5 Accordingly we dispose of the applications by passing following order.

a) Rule issued in Criminal Application No. 588 of 2016 is hereby made absolute in terms of prayer clause (i) which reads thus:-

“(i) *That this Hon'ble Court may be pleased to quash and set aside F. I. R. bearing C. R. No. 518 of 2015 registered with Juhu Police Station i.e. Respondent No. 3, for offences punishable under Section 326, 506 r/w 34 of I.P.C. on the complaint of Mr. Roy Vincent Lobo, the Respondent No. 2, in pursuance of settlement of disputes between the Applicants and Respondent No. 2”.*

b) Rule issue in Criminal Application No. 589 of 2016 is

¹(2012) 10 SCC 303

made absolute in terms of prayer clause (i), which reads
thus ;

“(i) *That this Hon'ble Court may be pleased to quash and set aside FIR/C. R. No. 517 of 2015 lodged at Juhu Police Station for the offences punishable under Section 324, 325, 504 r/w 34 of I.P.C. against the Applicants by the Respondent No. 2 herein i.e. Mr. Ashish Santosh Yadav (Original Complainant)*”

(A. A. SAYED, J.)

(A. S. OKA, J.)